

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

July 28, 2010
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Thomas Schoaf, Litchfield Park, Chair
Mayor Hugh Hallman, Tempe, Vice Chair
Councilwoman Robin Barker, Apache Junction
Mayor Marie Lopez Rogers, Avondale
Mayor Jackie Meck, Buckeye
Mayor David Schwan, Carefree
Councilman Dick Esser, Cave Creek
Mayor Boyd Dunn, Chandler
Mayor Michele Kern, El Mirage
* President Clinton Pattea, Fort McDowell
Yavapai Nation
Mayor Jay Schlum, Fountain Hills
* Mayor Ron Henry, Gila Bend
* Governor William Rhodes, Gila River Indian
Community
Mayor John Lewis, Gilbert
* Mayor Elaine Scruggs, Glendale
* Mayor James M. Cavanaugh, Goodyear
Mayor Yolanda Solarez, Guadalupe

Supervisor Mary Rose Wilcox, Maricopa Co.
Vice Mayor Kyle Jones for Mayor Scott Smith,
Mesa
* Mayor Scott LeMarr, Paradise Valley
Vice Mayor Ron Aames for Mayor Bob
Barrett, Peoria
Councilwoman Peggy Neely, Phoenix
+ Mayor Gail Barney, Queen Creek
* President Diane Enos, Salt River
Pima-Maricopa Indian Community
Mayor Jim Lane, Scottsdale
Councilwoman Sharon Wolcott, Surprise
* Mayor Adolfo Gamez, Tolleson
Mayor Kelly Blunt, Wickenburg
Mayor Michael LeVault, Youngtown
* Felipe Zubia, State Transportation Board
* Victor Flores, State Transportation Board
Roc Arnett, Citizens Transportation Oversight
Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. **Call to Order**

The meeting of the MAG Regional Council was called to order by Vice Chair Hugh Hallman at 5:02 p.m. He turned over the gavel to Past Chair Peggy Neely until Chair Schoaf arrived.

2. **Pledge of Allegiance**

Past Chair Peggy Neely led the Pledge of Allegiance.

Past Chair Neely stated that Mayor Gail Barney was participating in the meeting by videoconference and Vice Chair Hugh Hallman, Mayor Kelly Blunt, Mayor Michele Kern, Mayor Jim Lane, Mayor Marie

Lopez Rogers, Mayor Jay Schlum, Mayor David Schwan, and Councilwoman Sharon Wolcott were participating in the meeting by teleconference.

Chair Schoaf arrived at the meeting. He introduced proxies: Vice Mayor Ron Aames for Mayor Bob Barrett and Vice Mayor Kyle Jones for Mayor Scott Smith.

Chair Schoaf announced that on July 21, the Transportation Policy Committee recommended approval of agenda items #5D, #5F and #5G that are on the Consent Agenda. He noted that copies of the material for agenda items #5D, #5H and #5L that were previously transmitted to members were at each place. Chair Schoaf also announced that the Transportation Policy Committee voted to table agenda item #8, and that item would not be heard tonight.

Chair Schoaf requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item or a yellow public comment card for Consent Agenda items, or items on the agenda for action. Parking garage validation and transit tickets for those who used transit to attend the meeting were available from staff.

Chair Schoaf presented a Resolution of Appreciation to Rita Walton, MAG Information Services Manager, who was retiring. Ms. Walton was applauded.

3. Call to the Audience

Chair Schoaf noted that public comment cards were available to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Chair Schoaf noted that no public comment cards had been received.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. Mr. Smith stated that the Governor's Blue Ribbon Panel for Water Sustainability was formed by Governor Brewer on August 29, 2009, to advance the statewide sustainability of water. He said that this is a well-meaning effort, but a new objective was added to bring as many standards as possible into state rule. Mr. Smith advised that this would include the MAG Specifications and Details for Public Works Construction, which has been at MAG since the 1960s and was discussed at the first MAG Regional Council meeting on April 12, 1967. He said that by bringing the Specifications and Details into state rule, local governments would lose their flexibility to issue local supplements. Mr. Smith stated that this topic will be discussed at the League of Arizona Cities and Towns Conference in August.

Mr. Smith stated that MAG was notified that the Fiscal Year 2011 MAG Unified Planning Work Program and Annual Budget was approved by the federal agencies.

Mr. Smith displayed maps on residential foreclosures that were recently updated by the MAG Information Services Division to reflect June data. He pointed out that foreclosed residential properties total 16,976, pending foreclosure residential properties total 40,204, for a total of 57,180. Mr. Smith noted that not only is the sales tax revenue in the region flat, the job creation here is a serious issue.

Mr. Smith announced that the MAG Continuum of Care Regional Committee on Homelessness was awarded \$1.3 million. He reported that the new funding, combined with renewal project funding, results in a total funding award of more than \$23 million this year for the region. He advised that since 1999, the Committee has been responsible for securing more than \$196 million in homeless assistance funding for the MAG region. Mr. Smith advised that this entire effort was led by MAG and no funding is expected from the state to continue the program unless new federal funding becomes available.

Mr. Smith introduced the newly produced MAG “I Ride” bicycle video. He said that the video focuses on commuting to work, using multimodal facilities, providing an asset that is important to knowledge workers and emphasizes bike routes/trails and the beauty of Arizona, and health benefits. Mr. Smith stated that a copy of the video has been provided to government access channels and positive feedback has been received from the stations on the professionalism of the video. He recognized Jason Stephens, Kelly Taft, Gordon Tyus, Gary Stafford, Matt Nielsen, and Maureen DeCindis for their work on the video. Mr. Smith added that the Sustainability Grant application being developed includes a section on extending the canal bicycle path system. A short clip of the video was shown.

Chair Schoaf thanked Mr. Smith for his report. He extended his appreciation to the staff members who produced the video. No questions from the Council for Mr. Smith were noted.

5. Approval of Consent Agenda

Chair Schoaf noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, and #5L were on the Consent Agenda. He noted that no public comment cards had been received. Chair Schoaf asked members if they had questions or requests to hear an item individually. No requests were noted.

Vice Chair Hallman moved to approve the Consent Agenda. Councilmember Esser seconded, and the motion passed unanimously.

5A. Approval of the June 30, 2010, Meeting Minutes

The Regional Council, by consent, approved the June 30, 2010, meeting minutes.

5B. American Recovery and Reinvestment Act (ARRA) Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region details the status of project development. The report covers highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project.

5C. Enhancement Peer Review Group Round 18 Recommendations

The Regional Council, by consent, approved forwarding the list of ranked applications from the MAG Enhancement Peer Review Group to the Arizona Department of Transportation for consideration by the State Transportation Enhancement Review Committee. The MAG Enhancement Peer Review Group, formerly the Enhancement Funds Working Group that was formed by the MAG Regional Council in April 1993, reviews and recommends a ranked list of Enhancement Fund applications from this region to the State Transportation Enhancement Review Committee (TERC). This year, 12 enhancement fund applications for projects on local roads were received totaling \$7,442,160 with approximately \$12 million available statewide. Two applications for projects on the Arizona Department of Transportation (ADOT) right-of-way were received totaling \$1,886,000 with approximately \$8 million available statewide. The Enhancement Peer Review Group and the MAG Management Committee recommended that the list of ranked applications be forwarded to ADOT for consideration by the TERC.

5D. Project Changes – Amendment and Administrative Modification to the FY 2008-2012 MAG Transportation Improvement Program

The Regional Council, by consent, approved amendments and administrative modifications to the Fiscal Year (FY) 2008-2012 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update. The Fiscal Year (FY) 2008-2012 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007. Following these approvals, there was a request from Phoenix to add a new transit project, a request from ADOT to add a new embankment project on SR-87, and requests to modify five project costs for Litchfield Park and Tempe as they relate to the American Recovery and Reinvestment Act (ARRA) federal funds. Since the mailout of the Regional Council agenda, there were additional requests for modifications to projects in Chandler, El Mirage, and Mesa related to ARRA funds. These were heard and recommended for approval at the Transportation Policy Committee (TPC) on July 21, 2010. Following this, the Cities of Glendale, Phoenix, and Tempe requested modifications to the type and amount of funding for projects GLN08-801ABS, GLN08-803ABS, GLN09-609, PHX09-801, and TMP10-803. The ARRA program is nearing another deadline to obligate all funds including project savings due to construction low bid awards. To ensure that the region is obligating 100 percent of its ARRA funds, local project changes are necessary to meet the federal requirements. Due to the ARRA deadlines, MAG has worked with local agencies to verify that all ARRA funds are accounted for and the project changes have been continuously occurring. In the future, MAG will revert back to processing project changes to the TIP and RTP on a quarterly basis.

5E. Final Closeout of the Federal Fiscal Year 2010 MAG Federally Funded Program

The Regional Council, by consent, approved the Final Closeout for Federal Fiscal Year (FFY) 2010 and amending/adjusting the Fiscal Year (FY) 2008-2012 MAG Transportation Improvement Program and the Regional Transportation Plan 2007 Update as needed. The FFY 2010 MAG Interim Closeout, approved on June 30, 2010, by the MAG Regional Council, includes the deferral and deletion of federal funds totaling close to \$20 million. In addition, the FFY 2010 MAG Interim Closeout identified three projects to be funded with funds available. Since the FFY 2010 Interim Closeout was approved, there has been one request to defer a project, which was recommended for approval by the MAG

Transportation Review Committee on July 1, 2010, and by the MAG Management Committee on July 14, 2010.

5F. Draft Fiscal Year 2011 Arterial Life Cycle Program

The Regional Council, by consent, approved the Draft Fiscal Year (FY) 2011 Arterial Life Cycle Program contingent on a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update with applicable air quality plans. The Regional Transportation Plan (RTP) identified 94 arterial street projects to receive funding from the regional sales tax extension and from MAG federal funds. The Arterial Life Cycle Program (ALCP) provides information for each project spanning a 20-year life cycle. Information contained in the ALCP includes project location, regional funding, fiscal year for work, type of work, status of project, and the Lead Agency. As part of the ALCP process, Lead Agencies update project information annually, at a minimum. MAG staff has programmed the Draft FY 2011 ALCP based on the information provided by Lead Agencies and from projected revenue streams of the Regional Area Road Fund (RARF), MAG Surface Transportation Program (STP-MAG) funds, and Congestion Mitigation and Air Quality (CMAQ) funds. This item was recommended for approval by the Transportation Review Committee on July 1, 2010, the MAG Management Committee on July 14, 2010, and the Transportation Policy Committee on July 21, 2010.

5G. L101 High Occupancy Vehicle Lane Budget Increase

The Regional Council, by consent, approved that the L101 HOV project budget be increased by \$9.0 million, that the project include the proposed realignment of the freeway in the vicinity of Maryland Avenue, that the Fiscal Year (FY) 2008-2012 MAG Transportation Improvement Program be modified, and that the Maryland Avenue Overpass Ramps be included as an illustrative project in the Regional Transportation Plan 2010 Update. The L101 High Occupancy Vehicle (HOV) Design - Build project budget is \$138.5 million. This project will complete the HOV lane construction from Tatum Boulevard to I-10 in the West Valley. The Arizona Department of Transportation has recommended that the proposed project budget be increased by \$9.0 million to include the realignment of the freeway in the vicinity of the Maryland Overpass as part of the design - build project in order to accommodate planned direct access ramps in the future. The initial plan for the Maryland Overpass included direct connection ramps to provide access to a nearby park-and-ride lot and the Westgate/University of Phoenix stadium complex. After reviewing the program cash flow, MAG staff recommends the project budget be increased by \$9.0 million to \$147.5 million. A modification to the FY 2008-2012 MAG Transportation Improvement Program will be needed. In addition, the City of Glendale has requested that the Maryland Overpass Ramps be included in the Draft Regional Transportation Plan (RTP) 2010 Update as an illustrative project. Approval of the Draft RTP 2010 Update is addressed under a separate agenda item. This item was recommended for approval by the MAG Transportation Review Committee on July 1, 2010, the MAG Management Committee on July 14, 2010, and by the Transportation Policy Committee on July 21, 2010.

5H. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the Fiscal Year (FY) 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve several projects, including a new City of Phoenix project to design a park-and-ride facility for FY 2010, minor project revisions to an Arizona Department of Transportation (ADOT) Loop 101 High Occupancy Vehicle project, a Town of Buckeye project to construct sidewalks, curb and gutter, a new ADOT embankment repair project on State Route 87, and several American Recovery and Reinvestment Act (ARRA) funded projects for FY 2010. In addition, notification was provided on several new projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. This item was on the agenda for consultation.

5I. Finding of Conformity for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft Regional Transportation Plan 2010 Update

The Regional Council, by consent, approved the Finding of Conformity for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft MAG Regional Transportation Plan 2010 Update. The Draft 2010 Conformity Analysis concludes that the Draft FY 2011-2015 Transportation Improvement Program (TIP) and the Regional Transportation Plan 2010 Update meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. On June 21, 2010, a public hearing was conducted on the Draft TIP, Draft Regional Transportation Plan 2010 Update, and Draft Conformity Analysis. On June 24, 2010, the MAG Air Quality Technical Advisory Committee recommended approval of the Draft 2010 MAG Conformity Analysis for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft Regional Transportation Plan 2010 Update. On July 14, 2010, the Management Committee recommended approval. Approval of the conformity finding by the Regional Council is required for MAG adoption of the TIP and RTP.

5J. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG is requesting that street sweepers be purchased and reimbursement be requested by the agency within one year plus ten calendar days from the date of the MAG authorization letter.

5K. 2010 Heat Relief Maps

The summer heat in Arizona can be deadly. Vulnerable populations like older adults, children, people who are experiencing homelessness and those who work outdoors, need to take extra precautions. The MAG Human Services Division has partnered with non-profit organizations, the faith-based community, cities and towns in the region, and others to provide heat relief maps. Two maps have been created to indicate resources available in the community. The collection map provides regional locations that are

collecting bottled water and other donations such as clothing, unopened sun block, and food items for those who are in need. The hydration and refuge map indicates regional locations that people can go to for water, refuge, or both.

5L. Sustainable Communities Planning Grant Program

The Regional Council, by consent, approved the recommendations of the MAG Regional Council Executive Committee regarding the Sustainable Communities Planning Grant Program. On June 24, 2010, the U.S. Department of Housing and Urban Development (HUD) made \$98 million available nationally to support the creation of regional plans for sustainable development through the Sustainable Communities Planning Grant Program. This program is offered through HUD in partnership with the U.S. Department of Transportation and the Environmental Protection Agency. The purpose of the Sustainable Communities Planning Grant Program is to integrate housing, economic development, and transportation planning in order to enhance the economy, environment, and social equity. On July 19, 2010, the MAG Regional Council Executive Committee received a report on activities undertaken to determine an approach that puts the region in the most advantageous position and best reflects the priorities of the region. It appears that there is consensus for MAG to apply as the lead applicant on behalf of the Sun Corridor. A potential focus for this region could be developing green housing and jobs along high capacity transit routes and completing paths along the canal system. On July 19, 2010, the Executive Committee recommended approval of four steps to support an application pending MAG Regional Council approval regarding the Sustainable Communities Planning Grant Program: 1. Recommend MAG as the lead applicant to work collaboratively with MAG member agencies, PAG, CAAG, and community partners to submit an application for the Sustainable Communities Planning Grant Program on behalf of the Sun Corridor by August 23, 2010. The application will request up to \$5 million for a three-year period. 2. Direct MAG staff to solicit signed partnership agreements and Memoranda of Understanding from diverse representatives including, but not limited to, MAG member agencies, nonprofit agencies, educational institutions, and philanthropies. This will demonstrate a high level of community engagement and collaboration. 3. Recommend that the MAG Regional Council Chair sign a partnership agreement on behalf of the MAG Regional Council at the July meeting. 4. Recommend that MAG, PAG, and CAAG convene local stakeholders to identify strategies at the regional level and work with the Joint Planning Advisory Council to advise on the interface between the planning regions.

6A. FY 2010 MAG Final Phase Public Input Opportunity

Jason Stephens, MAG Public Involvement Planner, reported on MAG's public involvement process conducted on transportation plans and programs for the Final Phase public input opportunity. He noted that all of the information presented today is included in the Final Phase report. Mr. Stephens stated that MAG participated in a variety of special events and small group presentations, and also gathered comments from MAG committee meetings and e-mail, telephone, and website correspondence. He stated that the process also included a transportation public hearing on June 21, 2010, hosted by MAG with representatives from Arizona Department of Transportation, Citizen's Transportation Oversight Committee, Valley Metro, METRO, and the City of Phoenix Public Transit Department in attendance. Mr. Stephens stated that a majority of the comments received from the public focused on transit and expressed concerns for cuts in service, the loss of Local Transportation Assistance Funding, the need

for Dial-a Ride service, and cuts to routes on the Super Grid. He advised that all of the questions asked by the public are answered on the spot or within 48 hours. Chair Schoaf thanked Mr. Stephens for his report. No public comment cards were received. No questions for Mr. Stephens were noted.

Vice Chair Hallman moved acceptance of the Draft FY 2010 MAG Final Phase Public Input Opportunity Report. Vice Mayor Aames seconded, and the motion passed unanimously.

6B. Approval of the Draft MAG Regional Transportation Plan 2010 Update

Roger Herzog, MAG Senior Project Manager, stated that the Draft MAG Regional Transportation Plan (RTP) 2010 Update is a comprehensive, performance based, multimodal, and coordinated plan, identifying transportation improvements in the region over the next 20 years. Mr. Herzog noted that the Draft RTP 2010 Update includes a number of elements, including transportation modes of freeways, highways, arterial streets, public transit, freight, and bicycles, and the elements of travel demand management, safety, regional development, and transportation revenues.

Mr. Herzog stated that the major modal programs in the RTP total approximately \$59 billion. That total broken down includes about \$24 billion for arterial streets, about \$18 billion for freeways and highways, and about \$17 billion for transit. He said that about half of the RTP is funded by local/other funds and half of the RTP is funded by regional funds, which include federal transit and highway funds, ADOT funds, and the half cent sales tax for transportation.

Mr. Herzog stated that the RTP 2010 Update includes a 20-year planning period, which is a federal requirement, through FY 2031. He indicated that one of the major issues addressed since the 2007 Update was the historic decline of revenue that resulted in a 25 percent decrease in the long range revenue forecast. Mr. Herzog stated that reduced revenues presented a major challenge to balance the modal program, which was addressed through the MAG committee process for more than one year and resulted in balanced programs included in the RTP 2010 Update.

Mr. Herzog stated that an important element is the public input process, which began about one year ago, and culminated in the public hearing in June. He said that these public hearings were held in addition to the public input opportunities provided at MAG committee meetings.

Mr. Herzog stated that the Draft 2010 Update was approved by the Regional Council for air quality conformity analysis on April 28, 2010. A technical air quality conformity analysis was performed on the RTP and concluded that the Plan and the FY 2011-2015 MAG Transportation Improvement Plan meet all air quality conformity requirements. Mr. Herzog noted that on June 24, 2010, the MAG Air Quality Technical Advisory Committee recommended acceptance of the Draft Air Quality Conformity Analysis. Mr. Herzog stated that the final step is the approval process of the Draft RTP 2010 Update through the MAG committee process. He noted that the MAG Transportation Review Committee recommended approval of the RTP 2010 Update on July 1, 2010, the MAG Management Committee recommended approval on July 14, 2010, and the Transportation Policy Committee recommended approval on July 21, 2010. Chair Schoaf thanked Mr. Herzog for his presentation. No public comment cards were received.

Supervisor Wilcox commented on a job well done on the Update. She moved approval of the Draft MAG Regional Transportation Plan (RTP) 2010 Update, contingent on a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and RTP 2010 Update with applicable air quality plans. Councilmember Esser seconded, and the motion passed unanimously.

6C. Approval of the Draft FY 2011-2015 MAG Transportation Improvement Program

Eileen Yazzie, MAG Transportation Program Manager, reported on the Draft FY 2011-2015 MAG Transportation Improvement Program (TIP). She said that the TIP provides a five-year window of the 20-year Regional Transportation Plan and provides specific project details, costs, and schedules. She said that this is done to comply with federal regulations for the fiscal constraint of the short range plan and planning and environmental guidance.

Ms. Yazzie stated that MAG is operating under the current federal legislation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, known as SAFETEA-LU. She noted that this transportation act expired this past year, and Congress has since approved Continuing Resolutions while working on a new transportation act. Ms. Yazzie said the Transportation Improvement Program is required to report on all federally funded projects and regionally significant projects, and that enough information is provided to run an air quality analysis. Ms. Yazzie stated that the federal regulations also mandate that the TIP covers a minimum four-year time period, and is reported every four years. She noted that the MAG FY 2011-2015 TIP covers five years.

Ms. Yazzie stated that data for the TIP comes from current MAG transportation programs, the MAG Work Program, member agencies, and federal, state, and local agencies and programs through the Transportation Programming Guidebook and the TIP Data Entry System. Ms. Yazzie stated that input is provided by members of the public, MAG technical advisory committees, and MAG staff.

Ms. Yazzie then spoke of the great undertaking by the MAG technical committees to rebalance the freeway program and program the federal funds. She noted that the FY 2011-2015 MAG TIP includes more than 1,200 projects, the majority of which are street and transit projects.

Ms. Yazzie reviewed the funding for the FY 2011-2015 MAG TIP, which totals more than \$7 billion. She stated that highway projects include street, bicycle, pedestrian, safety, freeway, Intelligent Transportation System (ITS), and bridge projects in the region, and about two-thirds of their funding comes from regional and local revenue sources. Ms. Yazzie then addressed transit projects by stating that 5307, 5309, and CMAQ are types of federal transit funds that account for 45 percent of the \$1.3 billion in transit funding in the FY 2011-2015 MAG TIP. She advised that this does not include transit operations. Ms. Yazzie stated that about \$360 million of the \$412 million of committed local transit funds are associated with the City of Phoenix Sky Train project, and the remaining \$64 million is for transit capital projects.

Ms. Yazzie reviewed the approval schedule. She said that during July 2010, the Management Committee, Transportation Policy Committee, and Regional Council review and take action on the Draft FY 2011-2015 MAG TIP, the Draft Regional Transportation Plan 2010 Update, and Draft air quality

conformity analysis, followed by action by the Governor's designee, the Federal Highway Administration and the Federal Transit Administration.

Chair Schoaf thanked Ms. Yazzie for her presentation. He noted that no public comment cards were received.

Mayor Dunn expressed his appreciation for the hard work put into this program. He moved approval of the Draft FY 2011-2015 MAG Transportation Improvement Program (TIP), contingent on a finding of conformity of the TIP and Regional Transportation Plan 2010 Update with applicable air quality plans and that the programming of transit preventive maintenance be reviewed for potential amendments/modifications no later than December 2010. Councilwoman Neely seconded, and the motion passed unanimously.

7. Resolution Supporting the Expansion of Amtrak Passenger Service into the Metropolitan Phoenix Region as Part of the National Intercity Rail Network

Marc Pearsall, MAG Transit Planner, reported on a resolution before the Regional Council to support the expansion of Amtrak passenger service into the metropolitan Phoenix region as part of the National Intercity Rail Network. He noted that the MAG Management Committee recommended approval of the resolution.

Mr. Pearsall stated that Amtrak service was discontinued to the Phoenix/Tempe metropolitan area in the summer of 1996. He displayed a list of United States cities without Amtrak passenger service and noted that Phoenix is currently the largest city in this category. Mr. Pearsall said that the resolution could demonstrate a united front to return Amtrak service to the Valley. Mr. Pearsall pointed out on the current Amtrak passenger rail map that Arizona is served by two routes, the Southwest Chief in the north and the Sunset Limited in the south.

Mr. Pearsall said that he has been told that the line between Tucson and Yuma might go to daily service; service has been thrice-weekly for the past 40 years. He advised that a market-based analysis showed that the Tucson/Maricopa/Yuma line would have the most demand in the route from Los Angeles to San Antonio. Mr. Pearsall added that including Phoenix on the route would increase the ridership even more.

Mr. Pearsall stated that bringing Amtrak service to the Valley is part of the President's emphasis on expanding intercity rail service and also bolsters the efforts of the Western High Speed Rail Alliance to piggyback high speed rail service on these corridors.

Mr. Pearsall displayed a map of the current Union Pacific railroad line and the out-of-service Wellton line. He noted that the Union Pacific uses the line to store surplus freight cars, and with some investment, it could be brought back to service. Mr. Pearsall stated that MAG contributed financially to ADOT in their grant application effort. He added that if ADOT is awarded the grant in October, MAG will be on the project management team and would continue dialogue with the railroads to bring Amtrak back to the Valley. Mr. Pearsall stated that experience with other regions has shown that it may

be easier at a later date to piggyback local and regional commuter rail on to Amtrak service in areas that have already have intercity service through their metro areas.

Mr. Pearsall stated that there was passenger rail service as far back as the 1880s in southern and northern Arizona, but intercity rail service in Phoenix began in 1926 and ended in 1996. Mr. Pearsall then showed examples of terminals in other cities that have been restored using federal funds: Los Angeles received \$100 million, Denver received \$300 million, Seattle received \$20 million, and Kansas City received \$50 million. He said that there are opportunities for revitalization in the MAG region, including the Phoenix, Tempe, and Glendale depots, and the Litchfield depot preserved by the City of Goodyear.

Chair Schoaf thanked Mr. Pearsall for his report and asked members if they had questions.

Vice Mayor Aames asked if passenger rail returned to the Valley if there could be more than one station. Mr. Pearsall responded that additional stations were always an option, and that would probably result from findings in the ADOT grant study. He said that Amtrak mentioned that they support bringing service back to the Valley and prefer serving more than one station. Mr. Pearsall added that stations would be a decision in which the Regional Council would have an interest.

Vice Chair Hallman stated that there has been discussion at the Regional Council and Executive Committee meetings and he wholly supported the resolution, but he wanted to note that in the past Amtrak service has been used as a means by which commuter rail service was shoehorned in, and he felt that both of these modes should be pursued intensively. Vice Chair Hallman said that there is a need to connect the Central Valley to the East Valley as the Wellton branch moves forward, while moving apace with segments in the East Valley. He noted that three segment lines have been identified as options, one of which was abandoned almost 60 years ago, which could provide the best reliever ability to I-10 once construction begins on that corridor. He commented that I-10 will continue to have level of service "F" no matter how much it is widened. Vice Chair Hallman stated that commuter rail from the East Valley to Maricopa to reconnect the Sunset line will provide an option for good Amtrak service and eventually connect Tucson to the Valley. He expressed his hope to move that analysis forward more rapidly.

Chair Schoaf stated that there are opportunities for commuter rail across the Valley to connect our citizens.

Mayor Lane referenced the grant ADOT is applying for and asked if the result of the study would be logistics or the economic viability from a service standpoint. Mr. Pearsall replied that the grant application would be to study the economics, the physical viability, the willingness of Amtrak to partner with ADOT, and the market base for ridership. He stated that Amtrak currently carries 5,000 riders per year through Maricopa. Mr. Pearsall stated that for the first half of 1996 alone, the line through Phoenix carried 33,000 passengers and 7,000 passengers through Tempe on three-day-per-week service. He noted that Amtrak's market research analysis showed a projection of 250,000 riders per year utilizing stations in Arizona, and he believed that this grant application could help bolster efforts.

Mayor Lane stated that this resolution was supportive, but contained no contingency as to what the study results might hold. He stated that a real study would show the level of service supported by a level of ridership and this would be an important item to consider before MAG supports it, but it may be subject to what the study might hold. Mr. Pearsall stated that two parallel elements are contained in the resolution: 1. Support bringing back Amtrak service to the Valley; 2. ADOT, with MAG's financial assistance, is looking to study bringing Amtrak service back to the Valley. Mr. Pearsall stated that from a federal perspective, the resolution presents a unified front of the Regional Council in support of Amtrak service in the Valley.

Mayor Lewis asked the timeline for moving forward if the resolution is passed by the Regional Council. Mr. Pearsall replied that from the peer cities researched, when a funding source is identified for capital expenditures, rail service traditionally is returned in three to five years. He explained that this is a special case where the track needs moderate upgrading, but that all depends on the study results. Mr. Pearsall stated that the federal government wants states to contribute a share as the federal government cannot fund the entire project. He stated that if funding could be identified at the state within one year, passenger rail could be returned in three to five years; however, they feel it could be sooner, such as the rail in New Mexico.

Councilwoman Neely commented that in dialogue at the National League of Cities and Towns, Amtrak is one of the top priorities with the eastern cities and they feel that Amtrak is not adequately funded. She indicated that she was supportive of the resolution, but was concerned there could be struggles with adequate funding to keep the line operating, and what would be the burden to the region, especially if it spends the money to get the link to Phoenix. Councilwoman Neely stated that inadequate funding of Amtrak is discussed at almost every meeting of the League on transportation. Mr. Pearsall replied that this is early in the process, and from a financial point of view there are capital funds in buying and restoring the line in addition to maintenance costs. Mr. Pearsall stated that Union Pacific has told Amtrak if it can restore the line, it can use it, and it probably will not receive any financial contribution from Union Pacific unless there is a financial benefit to the company. He added that the Union Pacific probably will want to run freight trains on the line as they have done for decades.

Chair Schoaf stated that federal funding on all programs is in question and MAG should enter into any situation aware that the funding is not as available as before.

Mr. Arnett asked the source for the ridership projection of 250,000 annually. Mr. Pearsall replied that the number was from an Amtrak market research analysis, but is actually a compilation of a variety of sources. He said Amtrak has its own internal group and hired a consultant, but advocacy and watchdog groups have also looked at these numbers. Mr. Pearsall stated that Amtrak also measured the potential corridor ridership against the Flagstaff to Chicago route that generates about 400,000 riders per year.

Mr. Arnett asked if there was an independent number to verify the 250,000 ridership number. Mr. Pearsall replied that staff could research this further and bring back additional information. Mr. Arnett stated that a serious indicator could add to the power of this possible study.

Supervisor Wilcox expressed appreciation for the questions asked because MAG does not want to get into something that will cost the region a lot of money. She stated that she supported the resolution but

asked that staff get more information on comparison numbers so that advocacy can continue. Supervisor Wilcox reported that she had visited three of the restored train stations, and it was good to see so many people using rail. She expressed that she thought passenger rail would be beneficial and MAG needs to move forward. Supervisor Wilcox moved approval of a resolution supporting the expansion of Amtrak passenger service into the metropolitan Phoenix region as part of the national intercity rail network. Mayor Lopez Rogers seconded.

With no further discussion, the motion passed unanimously.

8. Loss of the Local Transportation Assistance Fund (LTAF)

This agenda item was removed from the agenda.

9. Update on Exceptional Events and MAG Five Percent Plan for PM-10

Lindy Bauer, MAG Environmental Director, provided the Regional Council with an update on activities since the last meeting. She said that on June 21, 2010, the MAG Executive Committee directed staff to retain legal counsel and other consultants to take administrative action needed regarding the Environmental Protection Agency (EPA) nonconcurrence on the four exceptional events at the West 43rd Avenue monitor and the EPA's intent to disapprove the MAG 2007 Five Percent Plan for PM-10.

Ms. Bauer stated that following direction by the MAG Regional Council and the Executive Committee, MAG engaged Mr. Roger Ferland and associates from the law firm of Quarles and Brady, LLP, to provide legal assistance. She added that MAG is seeking additional expertise in air quality communications and intergovernmental relations with the public and the EPA. Ms. Bauer stated that this expertise is expected to be available in mid-August 2010.

Ms. Bauer stated that at the last Regional Council meeting, she had reported that EPA indicated that the proposed consent decree has been lodged with the court, and on the timelines agreed upon with the Center for Law in the Public Interest for EPA to take disapproval action on the Five Percent Plan. She indicated that EPA has to propose action on the MAG Five Percent Plan for PM-10 by September 3, 2010, and finalize the action by January 28, 2011.

Ms. Bauer stated that since the last Regional Council meeting, EPA published the proposed consent decree in the Federal Register. She said that MAG is working on comments to be submitted into the record and is coordinating with the Arizona Department of Environmental Quality and the Maricopa County Air Quality Department. Ms. Bauer advised that comments are due to EPA by August 2, 2010.

Ms. Bauer stated that on June 30, 2010, the Arizona Department of Environmental Quality transmitted comments on the EPA exceptional events technical support document. She said the comments expressed three principal concerns: The EPA is not always consistent with the Exceptional Events Rule; the EPA failed to take into account some of the Arizona Department of Environmental Quality's supporting data and analysis; and the EPA is not always consistent with EPA's concurrence with other areas. Ms. Bauer gave as an example, the EPA rejected the Arizona Department of Environmental

Quality's demonstration that was substantially identical to the San Joaquin Valley's demonstration, which they approved.

Ms. Bauer stated that generally, the process was unfair. She said that information for the four high wind exceptional events was submitted when it became known that EPA was questioning the events, and instead of reviewing the information and discussing it with MAG or the Arizona Department of Environmental Quality in a collaborative manner, EPA came into a meeting on May 25 and just said no. Ms. Bauer stated that supplemental information for the four high wind exceptional events will be submitted to EPA in August. In addition, the ADEQ Director submitted MAG's comments to EPA on July 2, 2010, and these comments raise additional concerns and support ADEQ's comments.

Ms. Bauer noted that the State issued a press release on July 6, 2010, indicating that EPA failed to take into account the scientific research on these exceptional events. She noted that the press release was included in the agenda packet. Ms. Bauer also noted that another item included in the agenda packet was a letter from the Western States Air Resources Council, a coalition of 15 Western states, expressing concern that EPA has not yet started the process to address the issues with its Exceptional Events Rule. She commented that this has become increasingly critical as EPA has issued decisions not to concur with California and Arizona exceptional events.

Ms. Bauer reported that on July 19, 2010, the Regional Council Executive Committee recommended approval of amending the FY 2011 MAG Unified Planning Work Program and Annual Budget to provide up to \$500,000 of funding for legal advice and experts regarding this issue.

Chair Schoaf thanked Ms. Bauer for her presentation and asked members if they had questions.

Supervisor Wilcox noted that at the past two Regional Council meetings, she requested the involvement of the Congressional Delegation. She asked if this had been done. Ms. Bauer replied that MAG has been working through the cities to contact the Congressional Delegation. She said that Tempe was assisting them and another meeting is being arranged through the City of Phoenix. Supervisor Wilcox asked with whom. Mr. Smith replied that the meetings are with Congressman Pastor. He explained that the idea of the \$500,000 amendment is to get governmental assistance. Mr. Smith stated that not only is direct communication needed with the Congressional Delegation, it is also needed with the EPA.

Supervisor Wilcox stated that at two past meetings she mentioned that Congressman Pastor should be brought in because his committee stature relates to this issue. She asked the source of the \$500,000 in the budget and why the member agency lobbyists could not have been utilized instead of hiring someone. Mr. Smith stated that the funding source is unrestricted funds: dues and assessments and sales tax funds. He stated that the Executive Committee discussed using member agency resources, but it was decided that due to the importance of this issue and the potential loss of \$7 billion, a consultant reporting directly to MAG was needed. Mr. Smith added that this would not exclude consultants under contract to member agencies.

Supervisor Wilcox stated that maybe it was because she was from the County that she was weary of lawsuits and paying lawyers and wished that their people could have been pulled together. She added

that the County has an excellent lobbyist. She realized time was critical but it seems MAG could have done that with all of the expertise available.

Chair Schoaf stated that the concern is that in the MAG organization are a variety of lobbyists working for a variety of agencies who are devoting their time and budgets to specific items being directed by the entity paying the bill. He said that this is a very large project that needs additional time and MAG would have to pay for any services it receives.

Supervisor Wilcox expressed her sympathy with that and she knew that this was a big issue. She stated that the County staff is doing a lot to assist in the effort. Supervisor Wilcox stated that in this day and age, as much coordination as possible is needed to stretch funds.

Councilwoman Neely stated that she agreed with Supervisor Wilcox that all resources need to be utilized, however, she believed that this situation is very specific and specialized. She stated that agency lobbyists are great, but MAG needs expertise in this specialty area. Councilmember Neely stated that the Congressional Delegation is needed and MAG can direct lobbying efforts through meetings of the MAG intergovernmental representatives to enhance the effort, but she had a huge fear of jeopardizing the entire transportation plan if MAG does not move quickly and does not have the expertise to be able to move forward.

Vice Chair Hallman expressed his agreement with Councilwoman Neely and that Supervisor Wilcox was correct. He stated that MAG needs to have experts and legal assistance and should encourage staff to reach out to city organizations and seek any contacts they have. Vice Chair Hallman stated that no one in the Congressional Delegation will be unaware of this issue with the media coverage it has received. He stated that it is really getting the lobbyists and connections to get us into the bowels of the EPA to address the issue and help us sort out what seems to be an increasingly political issue. Vice Chair Hallman expressed his appreciation that the language to address this issue was ramped up because he felt the issue had not been articulated clearly before. He stated that this is a very serious problem and he would argue that it appears the EPA is refusing to examine a reasonable and rational explanation and scientific evidence that points to why there is a particular difficulty in the Valley addressing PM-10.

With no further questions, Chair Schoaf called for a motion.

Vice Chair Hallman moved approval of amending the FY 2011 MAG Unified Planning Work Program and Annual Budget to provide up to \$500,000 of funding for legal advice and experts including, but not limited to, regarding the Clean Air Act and its implementing regulations, experts with experience negotiating with Environmental Protection Agency (EPA) Region IX and/or EPA headquarters, experts regarding strategies to identify and address sources of PM-10, and consultants to communicate with the public and EPA and for MAG to take administrative action needed regarding the EPA nonconcurrence on the four exceptional events at the West 43rd Avenue monitor in 2008, and EPA's intent to disapprove the MAG Five Percent Plan for PM-10 for reducing dust pollution in the Valley, which may impact the Regional Transportation Plan, MAG Transportation Improvement Program and the implementation of Proposition 400 projects through a conformity freeze or conformity lapse and to use unrestricted MAG funds, or MAG shared allocation RARF funds allocated for planning and administering the Regional Transportation Plan for this purpose. Councilwoman Neely seconded.

Chair Schoaf asked if there was discussion of the motion.

Supervisor Wilcox stated that she would support the motion, but would ask Quarles and Brady to coordinate with the jurisdictions and report back to the Regional Council how they are doing that. She remarked that she would not like to move forward in a manner that would harm activities in progress at the County.

Vice Chair Hallman, as maker of the motion, expressed his acceptance of the amendment with the clarification that the Regional Council is not asking Quarles and Brady to concern themselves with any specific issue of a city or the county but to coordinate to enhance the opportunity for contact and influence with respect to the issue. Councilwoman Neely, as second, accepted the amendment.

There being no further discussion, the vote on the motion passed unanimously.

10. 2010 Census Update

Cathy Lacy, Denver Regional Director, U. S. Census Bureau, updated the MAG Regional Council on the efforts to complete the 2010 Decennial Census. She said that she was at MAG two years ago when the Census effort first began. Ms. Lacy stated that the role of the Regional Council was critical to the success of the 2010 Census.

Ms. Lacy stated that the MAG region's mailback rate increased from 69 percent to 70 percent, and with the changes in the economy and the increase in foreclosures, she felt this was a tremendous feat. She explained that the Census workers went to those houses in the remaining 30 percent to ensure residents were counted, therefore, any increase in the mailback rate assisted them greatly.

Ms. Lacy presented highlights of the outreach efforts. She noted that the Regional Council approved funding to allow the creation of personalized public service announcements and brochures that were meaningful to the local communities. Ms. Lacy also commended MAG for the effort to update local residential street addresses.

Ms. Lacy noted some of the interesting outreach activities, for example, the foam fingers at local high school games and March to the Mailbox activities at the City of Avondale; a major event in downtown Glendale attended by thousands in the hard-to-count community and the kickoff for the regional road tour at the Fiesta Bowl coordinated by the City of Glendale; and announcements at the Los Angeles Angels spring training games and public service announcements texted to college students organized by the City of Tempe. Ms. Lacy stated that the City of Phoenix was also very active and involved. She stated that she was impressed at how all of the agencies worked together and their combined effort became an example she used in her communications with the rest of the country.

Ms. Lacy expressed her appreciation for MAG's efforts on the Census, and in recognition, she presented a plaque to Chair Schoaf on behalf of the Census Bureau. She announced that each Mayor would receive a certificate from the Bureau for their individual efforts.

Supervisor Wilcox asked if the Census Bureau could assist with the hard to count community. She said that a climate of fear could lead to an undercount. Ms. Lacy replied that the data collection is almost complete except for some quality control. She indicated that they did encounter some of that fear, which they tried to overcome by hiring local representatives who could convey the message that it was all right to be counted. Ms. Lacy added that if the residents still would not open their doors, enumerators tried to get a proxy for the count, such as a neighbor who could report how many people lived in the household. She remarked that unfortunately, they are on a timeline and are almost to the end of the Census.

Al Macias, Partnership Outreach Specialist for the U. S. Census Bureau, continued with the presentation. He noted that information on the 2010 Census and the American Community Survey was included in the packet at each place.

Mr. Macias stated that the count from the 2010 Census is due to President Obama by December 31, 2010. The numbers will then be forwarded to individual state legislatures that will then transmit them to local entities. Mr. Macias noted that the numbers are anticipated to be at the Arizona State Legislature by late January or early February.

Mr. Macias stated that demographic reports will be released incrementally from May 2011 through January 2013. He advised that the census data and economic data, etc., will be posted on the census website at www.census.gov under the American FactFinder tab. Mr. Macias noted that the website is currently being revamped to be more user friendly.

Mr. Macias stated that every household in the United States received a 2010 Census form, and each year, a random sample of households also receive an American Community Survey form, which replaces the Census long form. He stated that 250,000 American Community Surveys are sent out per month, a total of about three million per year. Mr. Macias stated that the American Community Survey provides data on the characteristics of residents – education, housing, socioeconomic. Mr. Macias stated that the information collected helps community leaders decide where schools, highways, hospitals, and other services are needed.

Mr. Macias stated that the American Community Survey is the nation's population estimates program, a continuous survey, and a key component of the 2010 Census program. He noted that the American Community Survey is a part of federal law and people are required to respond. Mr. Macias stated that the American Community Survey creates a platform for more current information than once every ten years. He explained that the American Community Survey is different from the Census in that it does population estimates in one-year, three-year, and five-year blocks. Mr. Macias stated that some of the numbers from this year's American Community Survey will be coming out in September and November.

Mr. Macias stated that the Census Bureau conducts many other ongoing surveys: the Current Population Survey, the Consumer Expenditure Survey, the Survey of Income and Program Participation, the National Crime Victimization Survey, the National Health Interview Survey, and the American Housing Survey.

Mr. Macias stated that the Partnership and Data Services Program helps agencies use the data generated by these surveys. He referred to the Partnership and Data Services brochure included in the packet of material. Mr. Macias stated that the Program will assist partners and users by training, making presentations and conducting data workshops, seminars, and staff exhibits. He offered the Bureau's assistance if help is needed. Mr. Macias noted that the data are more useful now than ever before in applying for grants.

Chair Schoaf thanked Ms. Lacy and Mr. Macias for their presentations and efforts on the 2010 Census. No questions from the Council were noted.

11. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

No requests from the Council were noted.

12. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Vice Chair Hallman thanked the public safety personnel from the City of Phoenix who went into action to ensure no individuals were downriver when the dam at Tempe Town Lake failed. He commented that this assistance has always been a part of the long-time public safety plan, but making sure it worked perfectly took human beings and the City of Tempe was grateful for their assistance.

Mr. Smith, on behalf of MAG staff, extended his thanks to Rita Walton. He said that she was a manager who had her staff work on weekends to ensure that deadlines were met. Mr. Smith stated that Ms. Walton was an outstanding manager who mentored a number of staff in the Information Services Division. He added that she will be missed.

Chair Schoaf stated that an August Regional Council meeting would likely not be held. He said that a cancellation notice would be sent if the meeting was cancelled. Chair Schoaf added that it appeared that the Executive Committee meeting would be held.

Adjournment

Councilman Esser moved, Mayor Meck seconded, and the meeting adjourned at 6:20 p.m.

Chair

Secretary